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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

WINSTON SHROUT, )  
Plaintiff, ) CV-S-03-1048-LRH(PAL)  
v. )  
RONALD APFELBAUM, et al., )  
Defendants. )  
\_\_\_\_\_  
)

O R D E R

Before this Court is Magistrate Judge Deen's Findings and Recommendations (Docket No. 2), dated September 23, 2003, recommending that Plaintiff's "Commercial Notice of Amended Complaint in Bill in Equity," be construed as a complaint and dismissed. No written objection has been received from Plaintiff. Defendant has filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b), for failure to state a claim.

As the Magistrate Judge pointed out in her order, the statute of limitations has run on Plaintiff's claims. Furthermore, Plaintiff is not the proper person, from a legal

1 standpoint, to bring these claims. In layman's terms, the  
2 Plaintiff has not put forth any legal claims, which this Court  
3 has the power to adjudicate.

4 The Court has conducted a review and has fully considered  
5 the matters of record pursuant to 28 U.S.C. § 636(b)(1) and  
6 Local Rule IB 3-2. The Court determines that the Magistrate's  
7 Findings and Recommendations should be adopted and approved.

8 IT IS THEREFORE ORDERED that the Magistrate Judge's  
9 Findings and Recommendations (Docket No. 2) are ADOPTED and  
10 APPROVED and, consequently, Plaintiff's Complaint is DISMISSED.  
11 Defendant's motion to dismiss (Docket No. 8) is also GRANTED.  
12 The Clerk is directed to close the file.

13 IT IS SO ORDERED.

14 DATED: This 18<sup>th</sup> day of December 2003.

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16 LARRY R. HICKS  
17 United States District Judge  
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